

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

RANDI VICTORIA CARRERA AKA
RANDI VICTORIA WESTBROOK AKA
RANDI VICTORIA CASE
12080 Pigeon Pass Road
Apt. I-174
Moreno Valley, CA 92257

Case No. 2004-203

Registered Nurse License No. 549948

Respondent

DEFAULT DECISION AND ORDER

The attached Default Decision and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **December 29, 2007**.

IT IS SO ORDERED **November 29, 2007**



Vice-President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 JAMES M. LEDAKIS

Supervising Deputy Attorney General

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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation and Petition to
14 Revoke Probation Against:

Case No. 2004-203

15 RANDI VICTORIA CARRERA AKA RANDI
16 VICTORIA WESTBROOK AKA RANDI
VICTORIA CASE

**DEFAULT DECISION
AND ORDER**

17 12080 Pigeon Pass Road, Apt. I-174
18 Moreno Valley, CA 92557

[Gov. Code, §11520]

19 Registered Nurse License No. RN 549948

Respondent.

20 **FINDINGS OF FACT**

21 1. On or about February 2, 2007, Complainant Ruth Ann Terry, M.P.H, R.N,
22 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs, filed Accusation and Petition to Revoke Probation No. 2004-203 against
24 Randi Victoria Carrera aka Randi Victoria Westbrook aka Randi Victoria Case (Respondent)
25 before the Board of Registered Nursing.

26 2. On or about November 20, 1998, the Board of Registered Nursing (Board)
27 issued Registered Nurse License No. RN 549948 to Respondent. The Registered Nurse License
28 expired on May 31, 2006, and has not been renewed.

1 3. On or about June 27, 2007, Denise Hosman, an employee of the
2 Department of Justice, served by Certified and First Class Mail a copy of the Accusation and
3 Petition to Revoke Probation No. 2004-203, Statement to Respondent, Notice of Defense,
4 Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to
5 Respondent's address of record with the Board, which was and is 12080 Pigeon Pass Road, Apt.
6 I-174, Moreno Valley, CA 92557. A copy of the Accusation and Petition to Revoke Probation,
7 the related documents, and Declaration of Service are attached as Exhibit A, and are
8 incorporated herein by reference.

9 4. Service of the Accusation and Petition to Revoke Probation was effective
10 as a matter of law under the provisions of Government Code section 11505, subdivision (c).

11 5. On or about July 11, 2007, the aforementioned documents were returned
12 by the U.S. Postal Service marked "Attempted Not Known." A copy of the envelope returned by
13 the post office is attached as Exhibit B, and is incorporated herein by reference.

14 6. Business and Professions Code section 118 states, in pertinent part:
15 "(b) The suspension, expiration, or forfeiture by operation of law of a license
16 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the
17 board or by order of a court of law, or its surrender without the written consent of the board, shall
18 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the
19 board of its authority to institute or continue a disciplinary proceeding against the licensee upon
20 any ground provided by law or to enter an order suspending or revoking the license or otherwise
21 taking disciplinary action against the license on any such ground."

22 7. Government Code section 11506 states, in pertinent part:

23 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
24 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
25 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
26 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

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8. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation and Petition to Revoke Probation, and therefore waived her right to a hearing on the merits of Accusation and Petition to Revoke Probation No. 2004-203.

9. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in Exhibits A, B and C, finds that the allegations in Accusation and Petition to Revoke Probation No. 2004-203 are true.

11. The total costs for investigation and enforcement are \$1,611.00 as of October 4, 2007. A copy of the Certificate of Costs is attached as Exhibit C, and is incorporated herein by reference.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Randi Victoria Carrera aka Randi Victoria Westbrook aka Randi Victoria Case has subjected her Registered Nurse License No. RN 549948 to discipline.

2. A copy of the Accusation and Petition to Revoke Probation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse based upon the following violations alleged in the Accusation and Petition to Revoke Probation:

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1 a. Respondent's probation is subject to revocation because she failed
2 to comply with Probation Condition 1, referenced above. Respondent failed to obey all
3 state laws in that she has been convicted of a crime, as more particularly set forth in
4 paragraph 14 above.

5 9. At all times after the effective date of Respondent's probation, Condition 2
6 stated, in pertinent part, that during the period of probation, Respondent shall maintain at all
7 times an active, current license status with the Board, including during any period of suspension.

8 a. Respondent's probation is subject to revocation for failure to
9 comply with Probation Condition 2, referenced above, in that Respondent failed to
10 maintain a current and active license as required. Respondent's license expired on May
11 5, 2006, and has not been renewed.

12 10. At all times after the effective date of Respondent's probation, Condition 3
13 stated:

14 Respondent, during the period of probation, shall appear in person at
15 interviews/meetings as directed by the Board or its designated representatives.

16 a. Respondent's probation is subject to revocation for failure to
17 comply with Probation Condition 3, referenced above, in that Respondent failed to meet
18 with Board representatives on November 17, 2005, January 26, 2006, March 3, 2006, and
19 April 28, 2006.

20 11. At all times after the effective date of Respondent's probation, Condition 5
21 stated:

22 Respondent, during the period of probation, shall submit or cause to be
23 submitted such written reports/declarations and verifications of actions under
24 penalty of perjury, as required by the Board. These reports/declarations shall
25 contain statements relative to Respondent's compliance with all the terms and
26 conditions of the Board's Probation Program. Respondent shall immediately
27 execute all release of information forms as may be required by the Board or its
28 representatives. Respondent shall provide a copy of this Decision to the nursing
regulatory agency in every state and territory in which she has a registered nurse
license.

27 a. Respondent's probation is subject to revocation for failure to
28 comply with Probation Condition 5, referenced above, in that Respondent failed to submit

1 written reports evidencing her attendance at Nurse Support Group and Alcoholics
2 Anonymous meetings.

3 12. At all times after the effective date of Respondent's probation, Condition 6
4 stated:

5 Respondent, during the period of probation, shall engage in the practice of
6 registered nursing in California for a minimum of 24 hours per week for 6
7 consecutive months or as determined by the Board. For purposes of compliance
8 with the section, "engage in the practice of registered nursing" may include, when
9 approved by the Board, volunteer work as a registered nurse, or work in any non-
10 direct patient care position that requires licensure as a registered nurse. The
11 Board may require that advanced practice nurses engage in advanced practice
12 nursing for a minimum of 24 hours per week for 6 consecutive months or as
determined by the Board. If Respondent has not complied with this condition
during the probation term, and Respondent has presented sufficient documentation
of her good faith efforts to comply with this condition, and if no other conditions
have been violated, the Board, in its discretion, may grant an extension of
Respondent's probation period up to one year without further hearing in order to
comply with this condition. During the one year extension, all original conditions
of probation shall apply.

13 a. Respondent's probation is subject to revocation for failure to
14 comply with Probation Condition 6, referenced above, in that Respondent has failed to
15 work in an approved registered nurse position for a minimum of 6 consecutive months at
16 a minimum of 24 hours per week.

17 13. At all times after the effective date of Respondent's probation, Condition
18 11 stated:

19 Respondent shall pay to the Board costs associated with its investigation
20 and enforcement pursuant to Business and Professions Code section 125.3 in the
21 amount of \$5,220.50. Respondent shall be permitted to pay these costs in a
22 payment plan approved by the Board, with payments to be completed no later than
23 three months prior to the end of the probation term. If Respondent has not
24 complied with this condition during the probationary term, and Respondent has
presented sufficient documentation of her good faith efforts to comply with this
condition, and if no other conditions have been violated, the Board, in its
discretion, may grant an extension of Respondent's probation period up to one
year without further hearing in order to comply with this condition. During the
one year extension, all original conditions of probation will apply.

25 a. Respondent's probation is subject to revocation for failure to
26 comply with Probation Condition 11, referenced above, in that Respondent failed to
27 provide payment for cost recovery of \$5,220.50.

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1 14. At all times after the effective date of Respondent's probation, Condition
2 15 stated:

3 Respondent, at her expense, shall successfully complete during the
4 probationary period or shall have successfully completed prior to commencement
5 of probation a Board-approved treatment/rehabilitation program of at least six
6 months duration. As required, reports shall be submitted by the program on forms
7 provided by the board. If Respondent has not completed a Board-approved
8 treatment/rehabilitation program prior to commencement of probation,
9 Respondent, within 45 days from the effective date of the decision, shall be
10 enrolled in a program. If a program is not successfully completed within the first
11 nine months or probation, the Board shall consider Respondent in violation of
12 probation. Based on Board recommendation, each week Respondent shall be
13 required to attend at least one, but no more than five 12-step recovery meetings or
14 equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse
15 support group as approved and directed by the Board. If a nurse support group is
16 not available, an additional 12-step meeting or equivalent shall be added.
17 Respondent shall submit dated and signed documentation confirming such
18 attendance to the Board during the entire period of probation. Respondent shall
19 continue with the recovery plan recommended by the treatment/rehabilitation
20 program or a licensed mental health examiner and/or other ongoing recovery
21 groups.

22 a. Respondent's probation is subject to revocation for failure to
23 comply with Probation Condition 15, referenced above, in that Respondent failed to
24 participate in a treatment/rehabilitation program for chemical dependence.

25 15. At all times after the effective date of Respondent's probation, Condition
26 17 stated:

27 Respondent, at her expense, shall participate in a random, biological fluid
28 testing or a drug screening program which the Board approves. The length of
29 time and frequency will be subject to approval by the Board. Respondent is
30 responsible for keeping the Board informed of Respondent's current telephone
31 number at all times. Respondent shall also ensure that messages may be left at the
32 telephone number when she is not available and ensure that reports are submitted
33 directly by the testing agency to the Board, as directed. Any confirmed positive
34 finding shall be reported immediately to the Board by the program and
35 Respondent shall be considered in violation of probation.

36 In addition, Respondent, at any time during the period of probation, shall
37 fully cooperate with the Board or its representatives, and shall, when requested,
38 submit to such tests and samples as the Board or its representatives may require
39 for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other
40 controlled substances.

41 If Respondent has a positive drug screen for any substance not legally
42 authorized and not reported to the coordinating physician, nurse practitioner or
43 physician assistant, and the Board files a petition to revoke probation or an
44 accusation, the Board may suspend Respondent from practice pending the final

1 decision on the petition to revoke probation or the accusation. This period of
2 suspension will not apply to the reduction of this probationary time period.

3 If Respondent fails to participate in a random, biological fluid testing or
4 drug screening program within the specified time frame Respondent shall
5 immediately cease practice and shall not resume practice until notified by the
6 Board. After taking into account documented evidence of mitigation, if the Board
files a petition to revoke probation or an accusation, the Board may suspended
Respondent from practice pending the final decision on the petition to revoke
probation or the accusation. This period of suspension will not apply to the
reduction of this probationary time period.

7 a. Respondent's probation is subject to revocation for failure to
8 comply with Probation Condition 17, referenced above, in that Respondent has failed to
9 submit to biological fluid testings since February 16, 2005.

10 ORDER

11 IT IS SO ORDERED that Registered Nurse License No. RN 549948, heretofore
12 issued to Respondent Randi Victoria Carrera aka Randi Victoria Westbrook aka Randi Victoria
13 Case, is revoked.

14 Pursuant to Government Code section 11520, subdivision (c), Respondent may
15 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
16 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
17 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
18 statute.

19 This Decision shall become effective on DECEMBER 29, 2007.

20 It is so ORDERED NOVEMBER 29, 2007

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23 FOR THE BOARD OF REGISTERED NURSING
24 DEPARTMENT OF CONSUMER AFFAIRS

25 80169286.wpd

26 Attachments:

27 Exhibit A: Accusation and Petition to Revoke Probation No.2004-203, Related Documents,
and Declaration of Service
28 Exhibit B: Copy of Envelope Returned by Post Office
Exhibit C: Certification of Costs: Declaration of Rita M. Lane

Exhibit A

Accusation and Petition to Revoke Probation No. 2004-203,
Related Documents and Declaration of Service

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARGARET ANN LAFKO
Supervising Deputy Attorney General
3 RITA M. LANE, State Bar No. 171352
Deputy Attorney General
4 California Department of Justice
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6 P.O. Box 85266
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7 Telephone: (619) 645-2614
Facsimile: (619) 645-2061

8 Attorneys for Complainant
9

10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation and Petition to
14 Revoke Probation Against:

15 **RANDI VICTORIA CARRERA**
aka RANDI VICTORIA WESTBROOK
aka RANDI VICTORIA CASE
16 12080 Pigeon Pass Road, Apt. I-174
Moreno Valley, California 92557

17 Registered Nurse License No. 549948

18 Respondent.
19

Case No. 2004-203

OAH No.

**ACCUSATION AND
PETITION TO REVOKE
PROBATION**

20 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation solely in her official capacity as the
23 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
24 Affairs.

25 2. On or about November 20, 1998, the Board issued Registered Nurse
26 License Number RN 549948 to Randi Victoria Carrera, also known as Randi Victoria Westbrook
27 and Randi Victoria Case ("Respondent"). The license expired on May 31, 2006, and has not
28 been renewed.

1 **Prior Discipline**

2 3. Effective July 1, 2004, pursuant to the Stipulated Settlement and
3 Disciplinary Order in Accusation No. 2004-203, the Board of Registered Nursing revoked
4 Respondent's Registered Nurse License No. 549948. However, the revocation was stayed and
5 Respondent's license was placed on probation for a period of three (3) years with certain terms
6 and conditions. A copy of the Stipulated Settlement and Disciplinary Order is attached hereto as
7 **Exhibit A** and is incorporated herein by reference.

8 **JURISDICTION**

9 4. Business and Professions Code ("Code") section 2750 provides, in
10 pertinent part, that the Board may discipline any licensee, including a licensee holding a
11 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
12 section 2750) of the Nursing Practice Act.

13 5. Code section 2764 provides, in pertinent part, that the expiration of a
14 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
15 against the licensee or to render a decision imposing discipline on the license. Under Code
16 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
17 years after the expiration.

18 6. Code section 118(b), provides, in pertinent part, that the expiration of a
19 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
20 period within which the license may be renewed, restored, reissued or reinstated.

21 **STATUTORY PROVISIONS**

22 7. Section 482 of the Code states:
23 Each board under the provisions of this code shall develop criteria to evaluate the
24 rehabilitation of a person when:

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26 (b) Considering suspension or revocation of a license under Section 490.
27 Each board shall take into account all competent evidence of rehabilitation
28 furnished by the applicant or licensee.

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1 8. Section 490 of the Code states:

2 A board may suspend or revoke a license on the ground that the licensee
3 has been convicted of a crime, if the crime is substantially related to the
4 qualifications, functions, or duties of the business or profession for which the
5 license was issued. A conviction within the meaning of this section means a plea
6 or verdict of guilty or a conviction following a plea of nolo contendere. Any
7 action which a board is permitted to take following the establishment of a
8 conviction may be taken when the time for appeal has elapsed, or the judgment of
9 conviction has been affirmed on appeal, or when an order granting probation is
10 made suspending the imposition of sentence, irrespective of a subsequent order
11 under the provisions of Section 1203.4 of the Penal Code.

12 9. Section 493 of the Code states:

13 Notwithstanding any other provision of law, in a proceeding conducted by
14 a board within the department pursuant to law to deny an application for a license
15 or to suspend or revoke a license or otherwise take disciplinary action against a
16 person who holds a license, upon the ground that the applicant or the licensee has
17 been convicted of a crime substantially related to the qualifications, functions, and
18 duties of the licensee in question, the record of conviction of the crime shall be
19 conclusive evidence of the fact that the conviction occurred, but only of that fact,
20 and the board may inquire into the circumstances surrounding the commission of
21 the crime in order to fix the degree of discipline or to determine if the conviction
22 is substantially related to the qualifications, functions, and duties of the licensee in
23 question.

24 As used in this section, 'license' includes 'certificate,' 'permit,'
25 'authority,' and 'registration.'

26 10. Section 2750 of the Code provides, in pertinent part, that the Board may
27 discipline any licensee, including a licensee holding a temporary or an inactive license, for any
28 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

 11. Code section 2761 states, in pertinent part:

 The board may take disciplinary action against a certified or licensed nurse
 or deny an application for a certificate or license for the following:

 (a) Unprofessional conduct, which includes, but is not limited to, the
 following:

 (f) Conviction of a felony or of any offense substantially related to the
 qualifications, functions, and duties of a registered nurse, in which event the
 record of the conviction shall be conclusive evidence thereof.

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12. California Code of Regulations, title 16, section 1445.4 states:

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(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

COST RECOVERY

13. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

ACCUSATION

FIRST CAUSE FOR DISCIPLINE

14. Respondent is subject to discipline under Code sections 490 and 2761(f), in that Respondent was convicted of the following crime substantially related to the qualifications, functions or duties of a licensed registered nurse:

a. On or about June 16, 2005, in the matter of *People vs. Randi Victoria Carrera*, Riverside County Superior Court Case No. SWF012080, Respondent was convicted by the court on her plea of guilty to violating Penal Code section 487(a) (grand theft).

b. Respondent was sentenced to three years formal probation, to house arrest for 90 days, to pay restitution to the victim in the amount of \$3,200.00, and to pay fines in the amount of \$310.00.

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20. Respondent's probation is subject to revocation for failure to comply with Probation Condition 2, referenced above, in that Respondent failed to maintain a current and active license as required. Respondent's license expired on May 5, 2006, and has not been renewed.

THIRD CAUSE TO REVOKE PROBATION

(Failure to Appear for Probation Interviews)

21. At all times after the effective date of Respondent's probation, Condition 3 stated:

Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

22. Respondent's probation is subject to revocation for failure to comply with Probation Condition 3, referenced above, in that Respondent failed to meet with Board representatives on November 17, 2005, January 26, 2006, March 3, 2006, and April 28, 2006.

FOURTH CAUSE TO REVOKE PROBATION

(Failure to Submit Written Reports)

23. At all times after the effective date of Respondent's probation, Condition 5 stated:

Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verifications of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the terms and conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives. Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

24. Respondent's probation is subject to revocation for failure to comply with Probation Condition 5, referenced above, in that Respondent failed to submit written reports evidencing her attendance at Nurse Support Group and Alcoholics Anonymous meetings.

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1 **FIFTH CAUSE TO REVOKE PROBATION**

2 **(Failure to Function as a Registered Nurse)**

3 25. At all times after the effective date of Respondent's probation, Condition 6
4 stated:

5 Respondent, during the period of probation, shall engage in the practice of
6 registered nursing in California for a minimum of 24 hours per week for 6
7 consecutive months or as determined by the Board. For purposes of compliance
8 with the section, "engage in the practice of registered nursing" may include, when
9 approved by the Board, volunteer work as a registered nurse, or work in any non-
10 direct patient care position that requires licensure as a registered nurse. The
11 Board may require that advanced practice nurses engage in advanced practice
12 nursing for a minimum of 24 hours per week for 6 consecutive months or as
determined by the Board. If Respondent has not complied with this condition
during the probation term, and Respondent has presented sufficient documentation
of her good faith efforts to comply with this condition, and if no other conditions
have been violated, the Board, in its discretion, may grant an extension of
Respondent's probation period up to one year without further hearing in order to
comply with this condition. During the one year extension, all original conditions
of probation shall apply.

13 26. Respondent's probation is subject to revocation for failure to comply with
14 Probation Condition 6, referenced above, in that Respondent has failed to work in an approved
15 registered nurse position for a minimum of 6 consecutive months at a minimum of 24 hours per
16 week.

17 **SIXTH CAUSE TO REVOKE PROBATION**

18 **(Failure to Pay Cost Recovery)**

19 27. At all times after the effective date of Respondent's probation, Condition
20 11 stated:

21 Respondent shall pay to the Board costs associated with its investigation
22 and enforcement pursuant to Business and Professions Code section 125.3 in the
23 amount of \$5,220.50. Respondent shall be permitted to pay these costs in a
24 payment plan approved by the Board, with payments to be completed no later than
25 three months prior to the end of the probation term. If Respondent has not
26 complied with this condition during the probationary term, and Respondent has
presented sufficient documentation of her good faith efforts to comply with this
condition, and if no other conditions have been violated, the Board, in its
discretion, may grant an extension of Respondent's probation period up to one
year without further hearing in order to comply with this condition. During the
one year extension, all original conditions of probation will apply.

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28. Respondent's probation is subject to revocation for failure to comply with Probation Condition 11, referenced above, in that Respondent failed to provide payment for cost recovery of \$5,220.50.

SEVENTH CAUSE TO REVOKE PROBATION

(Failure to Participate in Treatment/Rehabilitation Programs for Chemical Dependence)

29. At all times after the effective date of Respondent's probation, Condition 15 stated:

Respondent, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the board. If Respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider Respondent in violation of probation. Based on Board recommendation, each week Respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

30. Respondent's probation is subject to revocation for failure to comply with Probation Condition 15, referenced above, in that Respondent failed to participate in a treatment/rehabilitation program for chemical dependence.

EIGHTH CAUSE TO REVOKE PROBATION

(Failure to Submit to Tests and Samples)

31. At all times after the effective date of Respondent's probation, Condition 17 stated:

Respondent, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the Board informed of Respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive

1 finding shall be reported immediately to the Board by the program and
2 Respondent shall be considered in violation of probation.

3 In addition, Respondent, at any time during the period of probation, shall
4 fully cooperate with the Board or its representatives, and shall, when requested,
5 submit to such tests and samples as the Board or its representatives may require
6 for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other
7 controlled substances.

8 If Respondent has a positive drug screen for any substance not legally
9 authorized and not reported to the coordinating physician, nurse practitioner or
10 physician assistant, and the Board files a petition to revoke probation or an
11 accusation, the Board may suspend Respondent from practice pending the final
12 decision on the petition to revoke probation or the accusation. This period of
13 suspension will not apply to the reduction of this probationary time period.

14 If Respondent fails to participate in a random, biological fluid testing or
15 drug screening program within the specified time frame Respondent shall
16 immediately cease practice and shall not resume practice until notified by the
17 Board. After taking into account documented evidence of mitigation, if the Board
18 files a petition to revoke probation or an accusation, the Board may suspended
19 Respondent from practice pending the final decision on the petition to revoke
20 probation or the accusation. This period of suspension will not apply to the
21 reduction of this probationary time period.

22 32. Respondent's probation is subject to revocation for failure to comply with
23 Probation Condition 17, referenced above, in that Respondent has failed to submit to biological
24 fluid testings since February 16, 2005.

25 PRAYER

26 **WHEREFORE**, Complainant requests that a hearing be held on the matters
27 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

28 1. Revoking the probation that was granted by the Board of Registered
Nursing in Case No. 2004-203 and imposing the disciplinary order that was stayed thereby
revoking Registered Nurse License No. 549948, issued to Randi Victoria Carrera, also known as
Randi Victoria Westbrook and Randi Victoria Case;

2. Awarding the reasonable costs of investigation and enforcement, pursuant
to Code section 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: 6/25/07


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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RECEIVED
JUL 1 2007
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

RANDI VICTORIA CARRERA 12080 Pigeon
Pass Road, Apt. I-174
Moreno Valley, California 92557

Registered Nurse License No. 549948

Respondent.

Case No.

OAH No.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 1, 2004.

It is so ORDERED June 1, 2004.

Sandra R. Erickson

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 RITA LANE MEDELLIN, State Bar No. 171352
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101
5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2614
Facsimile: (619) 645-2061
7

8 Attorneys for Complainant
9
10

11 **BEFORE THE**
12 **BOARD OF REGISTERED NURSING**
13 **DEPARTMENT OF CONSUMER AFFAIRS**
14 **STATE OF CALIFORNIA**

15 In the Matter of the Accusation Against:

Case No. 2004-203

16 RANDI VICTORIA CARRERA
12080 Pigeon Pass Road, Apt. I-174
17 Moreno Valley, California 92557

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18 Registered Nurse License No. 549948

19 Respondent.
20

21 In the interest of a prompt and speedy settlement of this matter, consistent with the
22 public interest and the responsibility of the Board of Registered Nursing of the Department of
23 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
24 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
25 disposition of the Accusation.

26 **PARTIES**

27 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
28 the Board of Registered Nursing. She brought this action solely in her official capacity and is

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 Accusation No. .

4 9. Respondent agrees that her Registered Nurse License is subject to
5 discipline and she agrees to be bound by the Board of Registered Nursing (Board) 's imposition
6 of discipline as set forth in the Disciplinary Order below.

7 RESERVATION

8 10. The admissions made by Respondent herein are only for the purposes of
9 this proceeding, or any other proceedings in which the Board of Registered Nursing or other
10 professional licensing agency is involved, and shall not be admissible in any other criminal or
11 civil proceeding.

12 CONTINGENCY

13 11. This stipulation shall be subject to approval by the Board of Registered
14 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
15 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
16 and settlement, without notice to or participation by Respondent. By signing the stipulation,
17 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
18 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
19 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
20 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
21 between the parties, and the Board shall not be disqualified from further action by having
22 considered this matter.

23 12. The parties understand and agree that facsimile copies of this Stipulated
24 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
25 force and effect as the originals.

26 13. In consideration of the foregoing admissions and stipulations, the parties
27 agree that the Board may, without further notice or formal proceeding, issue and enter the
28 following Disciplinary Order:

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Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

Upon successful completion of probation, Respondent's license shall be fully restored.

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1 3. **Report in Person.** Respondent, during the period of probation, shall
2 appear in person at interviews/meetings as directed by the Board or its designated
3 representatives.

4 4. **Residency, Practice, or Licensure Outside of State.** Periods of
5 residency or practice as a registered nurse outside of California shall not apply toward a reduction
6 of this probation time period. Respondent's probation is tolled, if and when she resides outside
7 of California. Respondent must provide written notice to the Board within 15 days of any change
8 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
9 returning to practice in this state.

10 Respondent shall provide a list of all states and territories where she has ever been
11 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
12 provide information regarding the status of each license and any changes in such license status
13 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
14 new nursing license during the term of probation.

15 5. **Submit Written Reports.** Respondent, during the period of probation,
16 shall submit or cause to be submitted such written reports/declarations and verification of actions
17 under penalty of perjury, as required by the Board. These reports/declarations shall contain
18 statements relative to Respondent's compliance with all the conditions of the Board's Probation
19 Program. Respondent shall immediately execute all release of information forms as may be
20 required by the Board or its representatives.

21 Respondent shall provide a copy of this Decision to the nursing regulatory agency
22 in every state and territory in which she has a registered nurse license.

23 6. **Function as a Registered Nurse.** Respondent, during the period of
24 probation, shall engage in the practice of registered nursing in California for a minimum of 24
25 hours per week for 6 consecutive months or as determined by the Board.

26 For purposes of compliance with the section, "engage in the practice of registered
27 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
28 work in any non-direct patient care position that requires licensure as a registered nurse.

1 The Board may require that advanced practice nurses engage in advanced practice
2 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
3 Board.

4 If Respondent has not complied with this condition during the probationary term,
5 and Respondent has presented sufficient documentation of her good faith efforts to comply with
6 this condition, and if no other conditions have been violated, the Board, in its discretion, may
7 grant an extension of Respondent's probation period up to one year without further hearing in
8 order to comply with this condition. During the one year extension, all original conditions of
9 probation shall apply.

10 **7. Employment Approval and Reporting Requirements.** Respondent
11 shall obtain prior approval from the Board before commencing or continuing any employment,
12 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
13 performance evaluations and other employment related reports as a registered nurse upon request
14 of the Board.

15 Respondent shall provide a copy of this Decision to her employer and immediate
16 supervisors prior to commencement of any nursing or other health care related employment.

17 In addition to the above, Respondent shall notify the Board in writing within
18 seventy-two (72) hours after she obtains any nursing or other health care related employment.
19 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
20 terminated or separated, regardless of cause, from any nursing, or other health care related
21 employment with a full explanation of the circumstances surrounding the termination or
22 separation.

23 **8. Supervision.** Respondent shall obtain prior approval from the Board
24 regarding Respondent's level of supervision and/or collaboration before commencing or
25 continuing any employment as a registered nurse, or education and training that includes patient
26 care.

27 Respondent shall practice only under the direct supervision of a registered nurse
28 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative

1 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
2 are approved.

3 Respondent's level of supervision and/or collaboration may include, but is not
4 limited to the following:

5 (a) Maximum - The individual providing supervision and/or collaboration is
6 present in the patient care area or in any other work setting at all times.

7 (b) Moderate - The individual providing supervision and/or collaboration is in
8 the patient care unit or in any other work setting at least half the hours Respondent works.

9 (c) Minimum - The individual providing supervision and/or collaboration has
10 person-to-person communication with Respondent at least twice during each shift worked.

11 (d) Home Health Care - If Respondent is approved to work in the home health
12 care setting, the individual providing supervision and/or collaboration shall have person-to-
13 person communication with Respondent as required by the Board each work day. Respondent
14 shall maintain telephone or other telecommunication contact with the individual providing
15 supervision and/or collaboration as required by the Board during each work day. The individual
16 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
17 site visits to patients' homes visited by Respondent with or without Respondent present.

18 9. **Employment Limitations.** Respondent shall not work for a nurse's
19 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
20 traveling nurse, or for an in-house nursing pool.

21 Respondent shall not work for a licensed home health agency as a visiting nurse
22 unless the registered nursing supervision and other protections for home visits have been
23 approved by the Board. Respondent shall not work in any other registered nursing occupation
24 where home visits are required.

25 Respondent shall not work in any health care setting as a supervisor of registered
26 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
27 nurses and/or unlicensed assistive personnel on a case-by-case basis.

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1 Respondent shall not work as a faculty member in an approved school of nursing
2 or as an instructor in a Board approved continuing education program.

3 Respondent shall work only on a regularly assigned, identified and predetermined
4 worksite(s) and shall not work in a float capacity.

5 If Respondent is working or intends to work in excess of 40 hours per week, the
6 Board may request documentation to determine whether there should be restrictions on the hours
7 of work.

8 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
9 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
10 than six months prior to the end of her probationary term.

11 Respondent shall obtain prior approval from the Board before enrolling in the
12 course(s). Respondent shall submit to the Board the original transcripts or certificates of
13 completion for the above required course(s). The Board shall return the original documents to
14 Respondent after photocopying them for its records.

15 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
16 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
17 amount of \$5,220.50. Respondent shall be permitted to pay these costs in a payment plan
18 approved by the Board, with payments to be completed no later than three months prior to the
19 end of the probation term.

20 If Respondent has not complied with this condition during the probationary term,
21 and Respondent has presented sufficient documentation of her good faith efforts to comply with
22 this condition, and if no other conditions have been violated, the Board, in its discretion, may
23 grant an extension of Respondent's probation period up to one year without further hearing in
24 order to comply with this condition. During the one year extension, all original conditions of
25 probation will apply.

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1 12. **Violation of Probation.** If Respondent violates the conditions of her
2 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
3 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
4 license.

5 If during the period of probation, an accusation or petition to revoke probation has
6 been filed against Respondent's license or the Attorney General's Office has been requested to
7 prepare an accusation or petition to revoke probation against Respondent's license, the
8 *probationary period shall automatically be extended and shall not expire until the accusation or*
9 *petition has been acted upon by the Board.*

10 13. **License Surrender.** During Respondent's term of probation, if she ceases
11 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
12 probation, Respondent may surrender her license to the Board. The Board reserves the right to
13 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
14 take any other action deemed appropriate and reasonable under the circumstances, without
15 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
16 will no longer be subject to the conditions of probation.

17 Surrender of Respondent's license shall be considered a disciplinary action and
18 shall become a part of Respondent's license history with the Board. A registered nurse whose
19 license has been surrendered may petition the Board for reinstatement no sooner than the
20 following minimum periods from the effective date of the disciplinary decision:

21 (1) Two years for reinstatement of a license that was surrendered for any
22 reason other than a mental or physical illness; or

23 (2) One year for a license surrendered for a mental or physical illness.

24 14. **Physical Examination.** Within 45 days of the effective date of this
25 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
26 physician assistant, who is approved by the Board before the assessment is performed, submit an
27 assessment of the Respondent's physical condition and capability to perform the duties of a
28 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If

1 medically determined, a recommended treatment program will be instituted and followed by the
2 Respondent with the physician, nurse practitioner, or physician assistant providing written
3 reports to the Board on forms provided by the Board.

4 If Respondent is determined to be unable to practice safely as a registered nurse,
5 the licensed physician, nurse practitioner, or physician assistant making this determination shall
6 immediately notify the Board and Respondent by telephone, and the Board shall request that the
7 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
8 shall immediately cease practice and shall not resume practice until notified by the Board.
9 During this period of suspension, Respondent shall not engage in any practice for which a license
10 issued by the Board is required until the Board has notified Respondent that a medical
11 determination permits Respondent to resume practice. This period of suspension will not apply
12 to the reduction of this probationary time period.

13 If Respondent fails to have the above assessment submitted to the Board within
14 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
15 practice until notified by the Board. This period of suspension will not apply to the reduction of
16 this probationary time period. The Board may waive or postpone this suspension only if
17 significant, documented evidence of mitigation is provided. Such evidence must establish good
18 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
19 provided. Only one such waiver or extension may be permitted.

20 **15. Participate in Treatment/Rehabilitation Program for Chemical**
21 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
22 period or shall have successfully completed prior to commencement of probation a Board-
23 approved treatment/rehabilitation program of at least six months duration. As required, reports
24 shall be submitted by the program on forms provided by the Board. If Respondent has not
25 completed a Board-approved treatment/rehabilitation program prior to commencement of
26 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
27 a program. If a program is not successfully completed within the first nine months of probation,
28 the Board shall consider Respondent in violation of probation.

1 Based on Board recommendation, each week Respondent shall be required to
2 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
3 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
4 by the Board. If a nurse support group is not available, an additional 12-step meeting or
5 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
6 such attendance to the Board during the entire period of probation. Respondent shall continue
7 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
8 mental health examiner and/or other ongoing recovery groups.

9 **16. Abstain from Use of Controlled Substances and Psychotropic (Mood-**
10 **Altering) Drugs.** Respondent shall completely abstain from the possession, injection or
11 consumption by any route of all controlled substances and psychotropic (mood altering) drugs,
12 including alcohol, except when the same are ordered by a health care professional legally
13 authorized to do so as part of documented medical treatment. Respondent shall have sent to the
14 Board, in writing and within fourteen (14) days, by the prescribing health professional, a report
15 identifying the medication, dosage, the date the medication was prescribed, the Respondent's
16 prognosis, the date the medication will no longer be required, and the effect on the recovery plan,
17 if appropriate.

18 Respondent shall identify for the Board a single physician, nurse practitioner or
19 physician assistant who shall be aware of Respondent's history of substance abuse and will
20 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
21 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
22 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
23 condition. If any substances considered addictive have been prescribed, the report shall identify a
24 program for the time limited use of any such substances.

25 The Board may require the single coordinating physician, nurse practitioner, or
26 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
27 addictive medicine.

28 **17. Submit to Tests and Samples.** Respondent, at her expense, shall

1 approves. The length of time and frequency will be subject to approval by the Board.
2 Respondent is responsible for keeping the Board informed of Respondent's current telephone
3 number at all times. Respondent shall also ensure that messages may be left at the telephone
4 number when she is not available and ensure that reports are submitted directly by the testing
5 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
6 to the Board by the program and Respondent shall be considered in violation of probation.

7 In addition, Respondent, at any time during the period of probation, shall fully
8 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
9 tests and samples as the Board or its representatives may require for the detection of alcohol,
10 narcotics, hypnotics, dangerous drugs, or other controlled substances.

11 If Respondent has a positive drug screen for any substance not legally authorized
12 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
13 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
14 from practice pending the final decision on the petition to revoke probation or the accusation.
15 This period of suspension will not apply to the reduction of this probationary time period.

16 If Respondent fails to participate in a random, biological fluid testing or drug
17 screening program within the specified time frame, Respondent shall immediately cease practice
18 and shall not resume practice until notified by the Board. After taking into account documented
19 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
20 Board may suspend Respondent from practice pending the final decision on the petition to
21 revoke probation or the accusation. This period of suspension will not apply to the reduction of
22 this probationary time period.

23 **18. Mental Health Examination.** Respondent shall, within 45 days of the
24 effective date of this Decision, have a mental health examination including psychological testing
25 as appropriate to determine her capability to perform the duties of a registered nurse. The
26 examination will be performed by a psychiatrist, psychologist or other licensed mental health
27 practitioner approved by the Board. The examining mental health practitioner will submit a
28 written report of that assessment and recommendations to the Board. All costs are the

1 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
2 result of the mental health examination will be instituted and followed by Respondent.

3 If Respondent is determined to be unable to practice safely as a registered nurse,
4 the licensed mental health care practitioner making this determination shall immediately notify
5 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
6 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
7 practice and may not resume practice until notified by the Board. During this period of
8 suspension, Respondent shall not engage in any practice for which a license issued by the Board
9 is required, until the Board has notified Respondent that a mental health determination permits
10 Respondent to resume practice. This period of suspension will not apply to the reduction of this
11 probationary time period.

12 If Respondent fails to have the above assessment submitted to the Board within
13 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
14 practice until notified by the Board. This period of suspension will not apply to the reduction of
15 this probationary time period. The Board may waive or postpone this suspension only if
16 significant, documented evidence of mitigation is provided. Such evidence must establish good
17 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
18 provided. Only one such waiver or extension may be permitted.

19 **19. Therapy or Counseling Program.** Respondent, at her expense, shall
20 participate in an on-going counseling program until such time as the Board releases her from this
21 requirement and only upon the recommendation of the counselor. Written progress reports from
22 the counselor will be required at various intervals.

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DATED: 3-9-04

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The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 3/10/04

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Attorneys for Complainant

[Handwritten signature]

Exhibit A
Accusation No. 2004-203

1 BILL LOCKYER, Attorney General
of the State of California
2 RITA LANE MEDELLIN, State Bar No. 171352
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101
5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2614
Facsimile: (619) 645-2061

7 Attorneys for Complainant
8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2004-203

13 **RANDI VICTORIA CARRERA**
12080 Pigeon Pass Road, Apt. I-174
14 Moreno Valley, CA 92557

A C C U S A T I O N

15 Registered Nurse License No. 549948

16 Respondent.
17

18 **PARTIES**

19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

22 2. On or about November 20, 1998, the Board of Registered Nursing
23 ("Board") issued Registered Nurse License Number 549948 to Randi Victoria Carrera
24 ("Respondent"). The registered nurse license was in full force and effect at all times relevant to
25 the charges brought herein and will expire on May 31, 2004, unless renewed.

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1 7. Health and Safety Code section 11173(a) states:

2 No person shall obtain or attempt to obtain controlled substances, or
3 procure or attempt to procure the administration of or prescription for controlled
4 substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the
5 concealment of a material fact.

6 8. Code section 4060 states, in pertinent part that no person shall possess any
7 controlled substance, except that furnished to a person upon the prescription of a physician,
8 dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a certified
9 nurse-midwife pursuant to Code section 2746.51, a nurse practitioner pursuant to Code section
10 2836.1, or a physician assistant pursuant to Code section 3502.1.

11 9. Code section 125.3 provides, in pertinent part, that the Registrar may
12 request the administrative law judge to direct a licensee found to have committed a violation or
13 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
14 and enforcement of the case.

15 **DRUG**

16 10. "Demerol," a brand of meperidine hydrochloride, is a Schedule II
17 controlled substance as designated by Health and Safety Code section 11055(c)(17).

18 **FIRST CAUSE FOR DISCIPLINE**

19 (Obtained and Possessed a Controlled a Substance)

20 11. Respondent is subject to disciplinary action under Code section 2761(a),
21 on the grounds of unprofessional conduct as defined in section 2762(a) of that Code, in that on or
22 about June 7, 1999, while a licensed registered nurse at Palomar Medical Center in Escondido,
23 and during a routine audit of the SUREMED System, Respondent did the following:

24 **PATIENT A. R.**

25 a. Respondent obtained 100 mg of Demerol, a controlled substance, by fraud
26 deceit, misrepresentation or subterfuge in violation of Health and Safety Code section 11173(a),
27

28 1. SUREMED System, the medication dispensing system at Palomar Medical Center

1 when she took the drug from the SUREMED System for her own personal use.

2 b. Respondent possessed 100 mg of Demerol, a controlled substance, in
3 violation of Code section 4060, in that she had no valid prescription therefor.

4 **PATIENT R. L.**

5 c. Respondent obtained 100 mg of Demerol, a controlled substance, by fraud
6 deceit, misrepresentation or subterfuge in violation of Health and Safety Code section 11173(a),
7 when she took the drug from the SUREMED System for her own personal use.

8 d. Respondent possessed 100 mg of Demerol, a controlled substance, in
9 violation of Code section 4060, in that she had no valid prescription therefor.

10 **PATIENT C. L.**

11 e. Respondent obtained two 100 mg dosages of Demerol, a controlled
12 substance, by fraud deceit, misrepresentation or subterfuge in violation of Health and Safety
13 Code section 11173(a), when she took the drug from the SUREMED System for her own
14 personal use.

15 f. Respondent possessed two 100 mg dosages of Demerol, a controlled
16 substance, in violation of Code section 4060, in that she had no valid prescription therefor.

17 **PATIENT J. P.**

18 g. Respondent obtained 75 mg of Demerol, a controlled substance, by fraud
19 deceit, misrepresentation or subterfuge in violation of Health and Safety Code section 11173(a),
20 when she took the drug from the SUREMED System for her own personal use.

21 h. Respondent possessed 75 mg of Demerol, a controlled substance, in
22 violation of Code section 4060, in that she had no valid prescription therefor.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Falsifying Hospital Records)**

25 12. Respondent is subject to disciplinary action under section 2761 as defined
26 in section 2762(e) of that code, in that on or about June 7, 1999, while a licensed registered nurse
27 at Palomar Medical Center in Escondido, Respondent falsified, made grossly incorrect, grossly

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1 inconsistent, or unintelligible entries in hospital records with regard to Demerol, a controlled
2 substance. The circumstances are as follows:

3 **PATIENT A. R.**

4 a. On June 7, 1999 at 1:37 a.m., Respondent withdrew from the SUREMED
5 System 100 mg of Demerol, a controlled substance, for Patient A.R., but failed to chart the
6 administration or wastage of the Demerol in the patient's medication administration record or
7 nurse's notes, or otherwise account for the disposition of the 100 mg of Demerol.

8 **PATIENT R. L.**

9 b. On June 7, 1999 at 2:20 a.m., Respondent withdrew from the SUREMED
10 System 100 mg of Demerol, a controlled substance, for Patient R.L., but failed to chart the
11 administration or wastage of the Demerol in the patient's medication administration record or
12 nurse's notes, or otherwise account for the disposition of the 100 mg of Demerol.

13 **PATIENT C. L.**

14 c. On June 7, 1999 at 2:27 a.m., Respondent withdrew from the SUREMED
15 System 100 mg each of Demerol, a controlled substance, for Patient C.L., but failed to chart the
16 administration or wastage of the Demerol in the patient's medication administration record or
17 nurse's notes, or otherwise account for the disposition of the 100 mg of Demerol.

18 d. On June 7, 1999 at 4:11 a.m., Respondent withdrew from the SUREMED
19 System 100 mg of Demerol, a controlled substance, for Patient C.L., but failed to chart the
20 administration or wastage of the Demerol in the patient's medication administration record or
21 nurse's notes, or otherwise account for the disposition of the 100 mg of Demerol.

22 **PATIENT J. P.**

23 e. On June 7, 1999 at 5:04 a.m., Respondent withdrew from the SUREMED
24 System 75 mg of Demerol, a controlled substance, for Patient J.P., but failed to chart the
25 administration or wastage of the Demerol in the patient's medication administration record or
26 nurse's notes, or otherwise account for the disposition of the 75 mg of Demerol.

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PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 549948 issued to Randi Victoria Carrera;

2. Ordering Randi Victoria Carrera to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case pursuant to Business and Professions Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 2/2/04


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant